

JUL 11 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

PATRICIA CAMERINA LOPEZ-LOPEZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

Nos. 04-75917

05-71712

Agency No. A92-057-468

MEMORANDUM\*

On Petitions for Review of Orders of the  
Board of Immigration Appeals

Submitted July 1, 2008\*\*

Before: WALLACE, HAWKINS and THOMAS, Circuit Judges.

In these consolidated cases, Patricia Camerina Lopez-Lopez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") orders dismissing her appeal from an immigration judge's decision

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

pretermitted her application for relief under former section 212(c) of the Immigration and Nationality Act (No. 04-75917), and denying her motion to reconsider (No. 05-71712). We have jurisdiction under 8 U.S.C. § 1252. We review de novo constitutional challenges, *Tovar-Landin v. Ashcroft*, 361 F.3d 1164, 1166 (9th Cir. 2004), and for abuse of discretion the denial of a motion to reconsider, *Oh v. Gonzales*, 406 F.3d 611, 612 (9th Cir. 2005). We deny both petitions for review.

We reject Lopez-Lopez's equal protection contention regarding her ineligibility for § 212(c) relief. Under the reasoning of *Armendariz-Montoya v. Sonchik*, 291 F.3d 1116, 1121-22 (9th Cir. 2002), Lopez-Lopez is not similarly situated, for purposes of § 212(c) relief, to those aliens who pled guilty. She has therefore not established an equal protection violation. *See Dillingham v. INS*, 267 F.3d 996, 1007 (9th Cir. 2001) ("In order to succeed on his [equal protection] challenge, the petitioner must establish that his treatment differed from that of similarly situated persons."). *Servin-Espinoza v. Ashcroft*, 309 F.3d 1193 (9th Cir. 2002), is not to the contrary.

The BIA acted within its discretion in denying Lopez-Lopez's motion to reconsider because the motion failed to identify an error of fact or law in the BIA's

prior decision. *See Socop-Gonzalez v. INS*, 272 F.3d 1176, 1180 n.2 (9th Cir. 2001) (en banc).

**PETITIONS FOR REVIEW DENIED.**